

THE ELECTRICITY OMBUDSMAN, UTTARAKHAND

Shri Rakesh Sharma
153, Dharampur, Dehradun,
Uttarakhand

Vs

Shri Gaurav Kumar, (Respondent No.1)
S/o Shri Rajesh Kumar,
241/1, Chukkhuwala.
Dehradun, Uttarakhand

The Executive Engineer (Respondent No. 2)
Electricity Distribution Divison(Central)
Uttarakhand Power Corporation Ltd
18 E.C. Road, Dehradun, Uttarakhand

Representation No. 58/2019

Order

Dated: 06.02.2020

Shri Rakesh Sharma, (the petitioner), being aggrieved with Consumer Grievance Rredressal Forum, Garhwal zone (hereinafter referred to as Forum) Order dated 14.10.2019 in complaint no. 52/2019 of Shri Gaurav Kumar S/o Shri Rajesh Kumar resident of 241/1 Chukkhuwala, Dehradun (hereinafter referred to as Respondent No. 1) against UPCL through its Executive Engineer, Electricity Distribution Division (Central) Dehradun (hereinafter referred to as Respondent No 2) has preferred a petition dated 20.11.2019 which was subsequently revised on 29.11.2019 wherein he has requested that his appeal be admitted and orders be issued to Respondent No 2 for disconnection of the connection given to Respondent No 1 in his property.

2. The petitioner has stated that the shop in which a connection was given to Shri Gaurav Kumar S/o Shri Rajesh Kumar belongs to him and a property dispute is pending before Civil Court Dehradun. The Connection was unauthorizedly been given to Shri Gaurav Kumar in the said shop and the same was disconnected by the department on his complaint. Against which Shri Gaurav Kumar approached the Forum and the Forum without considering the fact of the case have ordered for

restoration of the connection and in compliance of the Forum order the department have restored the connection. He has requested that the said connection needs to be disconnected as it has been given illegally in a disputed premises and a case against unauthorized occupation of the shop by Shri Gaurav Kumar is pending in the Civil Court.

3 The Forum after going through the documents and hearing all parties including Shri Rakesh Sharma who had also filed an objection against release of connection to Shri Gaurav Kumar have observed that the complainant Shri Gaurav Kumar S/o Shri Rajesh Kumar who is occupier of the premises and had applied for a connection in the said premises to the opposite party (UPCL) is entitled to get connection at the said premises in terms of sub regulation 4(3(a) of UERC (Release of new LT Connection, Enhancement and Reduction of Load) Regulations 2013 and have thus directed the opposite party UPCL to release the connection in accordance with aforesaid regulation.

4 Shri Gaurav Kumar (Respondent No. 1) have submitted in his written statement dated 16.12.2019 wherein he has stated that the connection against which the petition has been filed by Shri Rakesh Sharma's in his name and bills are also being received in his name and Shri Rakesh Sharma is not the connection holder. He has further stated that full payment of the cost of the shop has duly been made to Shri Rakesh Sharma and his claim of the ownership is therefore false and as such he has no right to get the connection disconnected. The connection was taken by him after depositing three times security and therefore Shri Rakesh Sharma's petition is liable to be dismissed.

5 Respondent No. 2, Executive Engineer Electricity Distribution Division (Central) Dehradun has submitted his Written Statement with an affidavit dated 05.12.2019. He has stated that based on the documents and in accordance with regulations a connection under commercial category was released to Shri Gaurav Kumar S/o Shri Rajesh Kumar on 07.06.2019. on the complaint of the petitioner and in order to avoid any litigation in future the said connection was got disconnected by SDO Araghar. Aggrieved with disconnection Shri Gaurav Kumar (Respondent No 1) lodged a complaint (52/2019) before the Forum and after detail hearing the Forum ordered to release the connection in accordance with sub regulation 4(3(a)) of UERC(Release of New LT Connection, Enhancement and Reduction of Load) Regulation 2013. He has

further stated that it appears to be a property dispute between the petitioner and Respondent no 1 and Respondent No. 2 has nothing to do with release of electricity connection at the said premises.

- 6 The Petitioner has submitted separate rejoinders on the Written Statement of Respondent No 1 and Respondent no. 2. In his rejoinder dated 23.01.2020 on the Written Statement of Respondent No. 1, he has mainly referred the matter of property dispute and on the basis of such dispute he has re-iterated that the connection given to Shri Gaurav Kumar be disconnected. In his rejoinder dated 19.12.2019 on Written Statement of Respondent No 2 he has again referred the property dispute and based on such dispute and pending court case he has again re-iterated that the connection given to Shri Gaurav Kumar be got disconnected.
- 7 Hearing in the case was fixed for 04.02.2020 when all the parties, the petitioner Shri Rakesh Sharma, Respondent No. 1 Shri Gaurav Kumar and Shri Sunil Kumar SDO Araghar on behalf of Respondent No. 2 appeared and made their oral arguments. In addition to oral submissions Respondent no. 1 Shri Gaurav Kumar submitted a written argument wherein he has submitted that he has made all payments of the shop through RTGS but the petitioner Shri Rakesh Kumar has yet not transferred the property to him and has submitted that as he has taken a connection on depositing three times security the petition has been filed by Shri Rakesh Sharma on false ground and is therefore is liable to be dismissed.
- 8 The Petitioner Shri Rakesh Sharma requested that he wants to submit some documents to substantiate his case and requested for sometime to submit such documents. He was allowed to submit such documents by 05.02.2020 and he has accordingly submitted some papers related to the property dispute case pending in the court of law.
- 9 All documents available on file have been perused and arguments from all the three parties have been heard. It is clarified that neither the CGRF/Ombudsman mechanism nor the UPCL, a License is concerned with a property dispute between the parties and a court case pending in Civil Court related to such dispute but they are concerned only with the matter related to release of connection to an applicant who has applied for the same to the concerned UPCL authority. The UPCL being a soul distribution Licensee

in the State is duty bound to give a electricity connection to any applicant whether owner or tenant or an occupier of the property as per statutory provision under Section 43 of Electricity Act 2003 and of course in accordance with UERC LT Regulation 2013 referred above and they had accordingly released the connection to the applicant Shri Gaurav Kumar but had erred in getting the legal connection disconnected on the request/complaint of some third party which has caused grievance to Shri Gaurav Kumar for the redressal of which he approached to Forum in complaint No. 52/2019. The Forum's Order dated 14.10.2019 directing the respondent no 2 for restoration of the connection is fully justified being consistent with aforesaid LT Regulations as such there is no ground to interfere with it and is therefore upheld as it is. The Petition is hereby dismissed.

Dated: 06.02.2020

(Subhash Kumar)
Ombudsman